

2 **Senate Bill No. 254**

3 (By Senator Minard)

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5 [Introduced January 18, 2012; referred to the Committee on the  
6 Judiciary.]  
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10 A BILL to amend and reenact article 3, chapter 64 of the Code of  
11 West Virginia, 1931, as amended, relating to authorizing the  
12 Department of Environmental Protection to promulgate a  
13 legislative rule relating to determining conformity of general  
14 federal actions to applicable implementation plans (general  
15 conformity).

16 *Be it enacted by the Legislature of West Virginia:*

17 That article 3, chapter 64 of the Code of West Virginia, 1931,  
18 as amended, be amended and reenacted to read as follows:

19 **ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF ENVIRONMENTAL**  
20 **PROTECTION TO PROMULGATE LEGISLATIVE RULES.**

21 **§64-3-1. Department of Environmental Protection.**

22 The legislative rule filed in the State Register on the

1 twenty-ninth day of July, two thousand eleven, authorized under the  
2 authority of section four, article five, chapter twenty-two, of  
3 this code, relating to the Department of Environmental Protection  
4 (determining conformity of general federal actions to applicable  
5 implementation plans (general conformity), [45 CSR 35](#)), is  
6 authorized.

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8 NOTE: The purpose of this bill is to authorize the Department  
9 of Environmental Protection to promulgate a legislative rule  
10 relating to Determining Conformity of General Federal Actions to  
11 Applicable Implementation Plans (General Conformity).

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13 This section is new; therefore, strike-throughs and  
14 underscoring have been omitted.